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Paper No.

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COPY MAILED
OCT 01 2008
OFFICE OF PETITIONS

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|------------------------------|---|------------------------|
| In re Application of | : | |
| Selwood et al. | : | LETTER REGARDING |
| Application No. 10/507,463 | : | PATENT TERM ADJUSTMENT |
| Filed: September 10, 2004 | : | |
| Attorney Docket No. GJE-6595 | : | |

This is in response to the "COMMUNICATION REGARDING PATENT TERM ADJUSTMENT," filed July 30, 2008. Applicants disclose that the patent term adjustment at the time of the mailing of the notice of allowance is one hundred seventeen (117) days, not two hundred twenty-nine (229) days.

The request for review of the patent term adjustment is **GRANTED to the extent indicated herein.**

The Office has updated the PAIR screen to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is two hundred seven **(207)** days. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

On July 22, 2008, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment to date is 229 days. Applicants disclose that the period of 354 days entered pursuant to 37 CFR 1.702(a)(1) for failure to take

action within 14 months after the fulfillment date of the application is incorrect. Specifically, applicants disclose that the requirements of 35 U.S.C. 371 were fulfilled on October 2, 2004. Thus, the period of adjustment pursuant to 37 CFR 1.702(a)(1) is 332 days, as the first Office action was mailed 14 months and 332 days later. In addition, applicants state that a period of reduction of 90 days should have been entered as applicants requested and were granted an extension of time on April 30, 2008 to file a request for continued examination (RCE).

Applicants' disclosures have been considered. Applicants are correct as to the date of fulfillment of the requirements of 35 U.S.C. 371, and as to the period of adjustment for Office delay. The period of adjustment of 354 days has been removed, and a period of adjustment of 332 days has been entered.

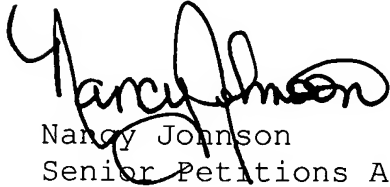
However, applicants are not correct with respect to the RCE. The RCE was not filed under circumstances that constitute a failure to engage in reasonable efforts to conclude examination or processing. A period of reduction of 90 days will not be entered.

In view thereof, the patent term adjustment at the time of the mailing of the notice of allowance is two hundred seven (207) days.

As this letter was submitted as an advisement to the Office of an error in applicants' favor, the Office will not assess the \$200.00 fee under 37 CFR 1.18(e). The Office thanks applicants for their good faith and candor in bringing this to the attention of the Office.

The application is being forwarded to the Office of Data Management for issuance of a patent. The patent term adjustment indicated on the patent (as shown on the Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in issuing the patent more than four months after payment of the issue fee and satisfaction of all outstanding requirements, and for the Office taking in excess of three years to issue the patent.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.

A handwritten signature in black ink, appearing to read "Nancy Johnson". The signature is stylized with a large, looped "N" and a cursive "Johnson".

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of REVISED PALM Screen

Day : Tuesday
Date: 9/30/2008

PALM INTRANET

Time: 23:10:35

PTA Calculations for Application: 10/507463

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|--------------------------|------------|-------------------------|-----|
| Application Filing Date: | 09/10/2004 | PTO Delay (PTO): | 354 |
| Issue Date of Patent: | | Three Years: | 0 |
| Pre-Issue Petitions: | 0 | Applicant Delay (APPL): | 125 |
| Post-Issue Petitions: | 0 | Total PTA (days): | 207 |
| PTO Delay Adjustment: | -22 | | |

File Contents History

| Number | Date | Contents Description | PTO | APPL | START |
|--------|------------|---------------------------------------------------------|-----|------|-------|
| 62 | 09/30/2008 | ADJUSTMENT OF PTA CALCULATION BY PTO | 332 | | |
| 61 | 09/30/2008 | ADJUSTMENT OF PTA CALCULATION BY PTO | | 354 | |
| 56 | 07/22/2008 | MAIL NOTICE OF ALLOWANCE | | | |
| 55 | 07/22/2008 | ISSUE REVISION COMPLETED | | | |
| 54 | 07/22/2008 | DOCUMENT VERIFICATION | | | |
| 53 | 07/22/2008 | NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED | | | |
| 52 | 07/22/2008 | CASE DOCKETED TO EXAMINER IN GAU | | | |
| 51 | 07/21/2008 | NOTICE OF ALLOWABILITY | | | |
| 48 | 05/06/2008 | DATE FORWARDED TO EXAMINER | | | |
| 47 | 04/30/2008 | REQUEST FOR CONTINUED EXAMINATION (RCE) | | | |
| 46 | 05/06/2008 | DISPOSAL FOR A RCE/CPA/129 (EXPRESS ABANDONMENT IF CPA) | | | |
| 45 | 04/30/2008 | REQUEST FOR EXTENSION OF TIME - GRANTED | | | |
| 44 | 04/30/2008 | WORKFLOW - REQUEST FOR RCE - BEGIN | | | |
| 43 | 11/30/2007 | NOTICE OF APPEAL FILED | | 91 | 36 |
| 42 | 11/30/2007 | REQUEST FOR EXTENSION OF TIME - GRANTED | | | |
| 41 | 11/29/2007 | MAIL ADVISORY ACTION (PTOL - 303) | | | |
| 40 | 11/26/2007 | ADVISORY ACTION (PTOL-303) | | | |
| 39 | 10/04/2007 | DATE FORWARDED TO EXAMINER | | | |
| 38 | 10/01/2007 | AMENDMENT AFTER FINAL REJECTION | | | |
| 37 | 10/01/2007 | REQUEST FOR EXTENSION OF TIME - GRANTED | | | |
| 36 | 05/31/2007 | MAIL FINAL REJECTION (PTOL - 326) | | | |
| 35 | 05/29/2007 | FINAL REJECTION | | | |

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|------|------------|----------------------------------------------------------------|-----|----|----|
| 34 | 03/08/2007 | CRF DISK HAS BEEN RECEIVED BY PREEXAM / GROUP / PCT | | | |
| 33 | 03/05/2007 | NEW OR ADDITIONAL DRAWING FILED | | | |
| 32 | 03/21/2007 | DATE FORWARDED TO EXAMINER | | | |
| 31 | 03/05/2007 | RESPONSE AFTER NON-FINAL ACTION | | 34 | 22 |
| 30 | 03/05/2007 | REQUEST FOR EXTENSION OF TIME - GRANTED | | | |
| 28 | 03/14/2007 | CRF IS GOOD TECHNICALLY / ENTERED INTO DATABASE | | | |
| 27 | 11/21/2006 | CLEARED BY OIPE CSR | | | |
| 26 | 11/21/2006 | CLEARED BY OIPE CSR | | | |
| 25 | 11/21/2006 | CLEARED BY OIPE CSR | | | |
| 24 | 11/21/2006 | CLEARED BY OIPE CSR | | | |
| 23 | 11/21/2006 | CLEARED BY OIPE CSR | | | |
| 22 | 10/30/2006 | MAIL NON-FINAL REJECTION | 354 | | -1 |
| 21 | 10/16/2006 | NON-FINAL REJECTION | | | |
| 20 | 12/10/2004 | INFORMATION DISCLOSURE STATEMENT CONSIDERED | | | |
| 19 | 10/16/2006 | IFW TSS PROCESSING BY TECH CENTER COMPLETE | | | |
| 18 | 04/11/2005 | PRELIMINARY AMENDMENT | | | |
| 15 | 03/29/2006 | CASE DOCKETED TO EXAMINER IN GAU | | | |
| 11.7 | 12/10/2004 | INFORMATION DISCLOSURE STATEMENT (IDS) FILED | | | |
| 11 | 12/10/2004 | INFORMATION DISCLOSURE STATEMENT (IDS) FILED | | | |
| 10 | 09/10/2004 | REQUEST FOR FOREIGN PRIORITY (PRIORITY PAPERS MAY BE INCLUDED) | | | |
| 9 | 09/10/2004 | PRELIMINARY AMENDMENT | | | |
| 8 | 10/02/2004 | 371 COMPLETION DATE | | | |
| 7 | 09/07/2005 | APPLICATION DISPATCHED FROM OIPE | | | |
| 6 | 09/07/2005 | NOTICE OF DO/EO ACCEPTANCE MAILED | | | |
| 5 | 09/10/2004 | ADDITIONAL APPLICATION FILING FEES | | | |
| 4 | 09/10/2004 | CRF DISK HAS BEEN RECEIVED BY PREEXAM / GROUP / PCT | | | |
| 3 | 06/17/2005 | CRF IS GOOD TECHNICALLY / ENTERED INTO DATABASE | | | |
| 2 | 02/15/2005 | SEQUENCE DISCLOSURE PROBLEMS | | | |
| 1 | 09/10/2004 | INITIAL EXAM TEAM NN | | | |